PROVINCE OF SASKATCHEWAN

2011

ANNUAL REPORT

MINISTRY OF JUSTICE AND ATTORNEY GENERAL

Public and Private
Rights Board

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This annual report is also available in electronic format from the Ministry's website at **www.justice.gov.sk.ca.**

Letter of Transmittal

March 31, 2012

Honourable Brad Wall
President of Executive Council

Dear Mr. Premier:

As per subsection 6(3) of *The Expropriation Procedure Act*, I have the honour to submit to you the Annual Report of the Public and Private Rights Board for the period of January 1, 2011 to December 31, 2011.

Respectfully submitted,

J. Glen Gardner
Chairman

Staff

The staff of the Public and Private Rights Board are:

J. Glen Gardner, Chairman

Verna LeBlanc, Administrative Assistant

Message from the Chairman

Under *The Expropriation Procedure Act*, the Public and Private Rights Board (PPRB) has the authority to review matters relating to the expropriation of land, or the intention to acquire land, by expropriating authorities. The Board investigates claims and manages negotiations between landowners and expropriating authorities in an effort to help the parties reach mutually acceptable solutions.

Landowners may request the Board to review either or both:

- The route, situation or design of a public improvement; and
- The amount of compensation offered for the expropriated land.

The primary role of the PPRB is dispute resolution. The Board assists landowners and expropriating authorities in reaching agreement on the most appropriate route or design of a public improvement and/or fair and reasonable compensation for the required land or easement.

> *"The primary purpose of compensation is to place the owner whose land has been taken in the same position financially as he was prior to the taking. On the one hand, the owner should not receive a windfall or unjust enrichment as a result of the taking. On the other hand, the owner should not be required to shoulder an economic loss for the general public benefit which is achieved as a result of the taking."*[1]

The Board's mandate is to help landowners and expropriating authorities reach agreements when expropriation has been commenced. The Board assists parties in their negotiations and, if necessary, mediates a settlement. This is beneficial, as the board is a neutral third party that works to ensure accountability, clear understanding and openness for all parties involved. In some instances, a resolution can be reached prior to initiation of the formal expropriation.

I was honored to be appointed Chairman on April 15, 2011. Reflecting on my initial experience as Chairman, I am grateful for the hard work and commitment of landowners and the staff of expropriating authorities, as well as the staff of the Dispute Resolution Office and the Ministry of Justice and Attorney General. It is through the sincere efforts of these groups that fair and effective resolution is achieved.

I expect we will all be challenged more in our future work. Many of the matters that come to the Board are increasingly complex, and the circumstances challenging. As the pace and scale of development in the Province of Saskatchewan increases, it will become increasingly difficult to balance the legitimate interests of landowners and expropriating authorities. At the same time, it will become more important that these balances be found efficiently and early so future development can be facilitated. In the coming year, the Public and Private Rights Board will:

1. Encourage expropriating authorities to be proactive in requesting early assistance from the Board, particularly for complex or challenging acquisitions;
2. Invite expropriating authorities and others to work with the Board to promote more consistently effective practices in acquisitions, building on work initiated by the Board last year; and
3. Examine the current practices of the Board to ensure quality services are delivered in an efficient way.

These initiatives come at an important time. Many matters currently coming to the Board require a significantly greater commitment of time and effort than previous years. Seeking more effective ways to deliver quality services is essential.

1. Kenneth J. Boyd, *Expropriation in Canada - A Practitioner's Guide* (Aurora, Ontario: Canada Law Book, 1988), p. 27.

Tables

a. Number and Nature of Claims Received, Negotiated, Completed, Withdrawn and Carried Forward by the Board in 2011

i. Number and Nature of Claims Negotiated in 2011

(A) Carried forward from 2010:

i) Route, Situation or Design	2
ii) Compensation	1
Subtotal	3

(B) New claims received in 2011:

i) Route, Situation or Design	8
ii) Compensation	5
iii) Claims withdrawn in 2011	0
Subtotal	13

ii. Number and Nature of Claims Completed in 2011

i) Route, Situation or Design	3
ii) Compensation	1
Total	**4**

iii. Number and Nature of Claims Carried Forward into 2012

i) Route, Situation or Design	7
ii) Compensation	5
Total	**12**

b. Number and Nature of Claims Received by the Board in 2011 (by Expropriating Authority)

Expropriating Authority	Route, Situation or Design	Compensation	Total
SaskTel	0	2	2
SaskPower	3	1	4
Highways	4	2	6
Miscellaneous	1	0	1

c. Number and Nature of Claims Initiated with the Board in 2011 (by Expropriating Authority)

Expropriating Authority	Route, Situation or Design	Compensation	Total
SaskTel	0	2	2
SaskPower	3	1	4
Highways	4	2	6
Miscellaneous	1	0	1

d. Resolution of Claims Initiated with the Board in 2011 (by Expropriating Authority)

Expropriating Authority	Negotiated Successfully	Negotiated Unsuccessfully	Withdrawn	Total
SaskTel	1	1	0	2
SaskPower	0	0	0	0
Highways	2	0	0	2
Miscellaneous	0	0	0	0

e. Number and Nature of Claims Received by the Board (2001-2011)

Year	Route, Situation or Design	Compensation	Total
2001	2	2	4
2002	8	3	11
2003	1	2	3
2004	2	0	2
2005	0	5	5
2006	1	2	3
2007	3	3	6
2008	3	3	6
2009	4	7	11
2010	2	3	5
2011	8	5	13

f. Number of Claims Received by the Board (2001-2011) by Expropriating Authority

Year	Conservation & Development Area Authorities	SaskTel	Sask Power	Sask Energy	Sask Highways	Misc.
2001	0	1	0	0	1	2
2002	2	1	0	0	7	1
2003	0	0	1	0	1	1
2004	0	1	0	0	0	1
2005	0	1	1	0	3	0
2006	0	0	0	1	1	1
2007	0	2	0	0	3	1
2008	0	1	1	0	4	0
2009	0	6	2	0	3	0
2010	0	1	1	0	3	0
2011	0	2	4	0	6	1